

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

STANDARD FIRE INSURANCE COMPANY and)
PAUL KANEB)

Plaintiffs)

v.)

CIVIL ACTION NO. 04-12244
(GAO)

CROSBY YACHT YARD, INC. AND)

OYSTER HARBORS MARINE, INC.,)

Defendants)

PLAINTIFFS' JOINT PRETRIAL DISCLOSURES

Now come the plaintiffs and hereby jointly make the following pretrial disclosures as required by Federal Rule of Civil Procedure 26(a)(3).

A. WITNESSES

The following are witnesses whom the plaintiffs expect to call at trial:

I. Public Sector Witnesses

1. John M. Farrington, Fire Chief, Centerville/Osterville/Marstons Mills Fire District
25 Robin Street, Osterville, Massachusetts
2. Martin McNeely, Fire Inspector, Centerville/Osterville/Marstons Mills Fire
District
151 Peach Tree Road, Marstons Mills, Massachusetts
3. David B. Rogers, Captain, Centerville/Osterville/Marstons Mills Fire Department
39 Jobies Lane, Osterville, Massachusetts
4. Glenn Wilcox, Fire Inspector, Centerville/Osterville/Marstons Mills Fire District
Osterville, Massachusetts
5. Keeper of the Records of Barnstable County Building Department

II. Private Sector Witnesses

6. John W. Furrh, John W. Furrh Associates, Inc.
Business address: 135 Washington Street, Taunton, Massachusetts
Home address: 1580 Pine Street, Dighton, Massachusetts
7. Stephen J. Wood, John W. Furrh Associates, Inc.
Business address: 135 Washington Street, Taunton, Massachusetts
Home address: 302 Nasketucket Way, Fair Haven, Massachusetts
8. Francis P. Guido
586 Palm Street, Canton, Georgia (Crosby Yacht Yard employee)
9. Malcolm M. Crosby
Osterville, Massachusetts (Crosby Yacht Yard employee)
10. Peter S. Maryott, General Manager, Oyster Harbors Marine
138 King James Drive, East Dennis, Massachusetts
11. Gregory Robert Egan, General Manager, Crosby Yacht Yard
Business Address: 72 Crosby Circle, Osterville, Massachusetts
Home Address: 55 Holder Lane, West Barnstable, Massachusetts
12. Richard B. Egan, President and Director, Crosby Yacht Yard
Business Address: 72 Crosby Circle, Osterville, Massachusetts
Home Address: 8 Sagamore Road, Yarmouth, Massachusetts
13. Paul Kaneb, plaintiff and boat owner
165 Bayberry Way, Osterville, Massachusetts
14. Joseph Lodispoto, OneBeacon Insurance Company
(Amounts paid and damages sustained)
Boston, Massachusetts
15. Jean Drufner, Travelers Insurance Company
New Orleans, Louisiana
16. Rick Haggis, Adjuster
Hanover Ins. Co.
17. Richard Berger
Encompass Ins. Co.

III. Expert Witnesses

18. David P. Demers, Demers Associates Inc.

- Fire Protection Consultant
42 Highland Street, Lunenburg, Massachusetts
19. Michael M. Mentuck, Marine Surveyor, Appraiser and Consultant
1 Jefferson Avenue, Salem, Massachusetts
 20. Jack R. Mawhinney, Senior Engineer, Hughes Associates, Inc.
3610 Commerce Drive, Baltimore, Maryland
 21. Vincent P. Calenda, Senior Fire Investigator, EFI Global
21 Father DeValles Boulevard, Fall River, Massachusetts
 22. Christopher G. Mariano, Senior Hydrogeologist ENSR Corporation
95 State Road, Sagamore Beach, Massachusetts
 23. Richard P. Michalewich, Jr., Project Engineer, ENSR Corporation
95 State Road, Sagamore Beach, Massachusetts
 24. Naomi DeLoach, Environmental Scientist, ENSR Corporation
95 State Road, Sagamore Beach, Massachusetts
 25. Peter Fogarty, Hagen, Streiff, Newton and Oshiro Accounting Firm
647 Putnam Pike, Greenville, Rhode Island
 26. Robert W. Saben, Jr., Saben and Associates
76 Pine Street, Yarmouth Port, Massachusetts
 27. David R. Wiggin, Marine Surveyor, SGS Marine Services
175 Paramount Drive, Raynham, Massachusetts
 28. Richard A. Collins, Marine Surveyor, Race Marine Consultants
96 Warren Avenue, Plymouth, Massachusetts
 29. Edwin C. Boice, Marine Surveyor
62 Pleasant Street, South Weymouth, Massachusetts
 30. Norman F. Wahl, Marine Surveyor, Maritime Adjustment LLC
9 Blue Nose Lane, Osterville, Massachusetts
 31. Donald B. Pray, Meridian Associates, Marine Surveyor
82 Pleasant Street, South Weymouth, Massachusetts
 32. C.R. McCauley, Marine Surveyor, CR McCauley Adjusters, Inc.
175 Washington Street, Winchester, Massachusetts
 33. Richard Brendlinger, Marine Surveyor, Meridian Associates, Inc.

82 Pleasant Street, South Weymouth, Massachusetts

34. Stephen Charette, Marine Surveyor, New England Marine Consultants, Inc.
South Hamilton, Massachusetts
35. William M. Shaughnessy, WMF Services
PO Box 443, Halifax, Massachusetts

The following are witnesses whom the plaintiffs may call if the need arises:

Insured Boat Owners:

36. Antonio Andrade
168 Garrison Avenue, Osterville, Massachusetts
37. Peter Barrett
1 Bare Cove, Hingham, Massachusetts
38. Carolina Bendetson
14 Pierce Avenue, Wellesley, Massachusetts
39. Paul Kaneb
165 Bayberry Way, Osterville, Massachusetts
40. Brian J. Kickham
64 Melrose Avenue, Needham, Massachusetts
41. William Landes
12 Wyndemere Drive, Southboro, Massachusetts
42. John Laurendeau
6 Babe Ruth Drive, Sudbury, Massachusetts
43. Robert Morey
P.O. Box 1274 Tiburon, California
44. Sean Reilly
P.O. Box 66338, Baton Rouge, Louisiana
45. Jay Tracy
83 Blantyre Avenue, Centerville, Massachusetts
46. All other insured boat owners previously disclosed in Automatic Disclosure
pursuant to Rule 26.
47. Britt Crosby, Lieutenant, Centerville/Osterville/Marstons Mills Fire Department

Osterville, Massachusetts

48. Robert Madonna
741 Seaview Avenue, Osterville, Massachusetts
49. Person Most Knowledgeable, Soldier of Fortune Corp., 365 Boston Post Road,
No. 114, Sudbury, Massachusetts 1776
50. Diane L. Comoletti
25 Meyers Farm Road, Hingham, Massachusetts 02043
51. James F. Cleary, c/o UBS
265 Franklin Street, Boston, Massachusetts 02110

B. DEPOSITIONS

The plaintiffs expect to call the following witnesses by deposition:

Francis P. Guido
586 Palm Street, Canton, Georgia
(Crosby Yacht Yard employee)

In addition, the plaintiffs expect to read into testimony certain portions of the deposition of Gregory Egan as admissions. The plaintiffs may also read in portions of the deposition transcripts of any witness who for any reason becomes unavailable prior to trial.

C. EXHIBITS

The following is a list of exhibits that the plaintiffs expect to offer:

- (1) Centerville/Osterville/Marstons Mills Fire Department Incident Report, Incident Number 03-0003330
- (2) Centerville/Osterville/Marstons Mills Fire District Fire Prevention Inspection Report, Dated July 22, 2003, relating to Crosby Yacht Yard
- (3) Centerville/Osterville/Marstons Mills Fire District Fire Prevention Inspection Report, Dated July 17, 2002, relating to Crosby Yacht Yard
- (4) Centerville/Osterville/Marstons Mills Fire District Fire Prevention Inspection Report, Dated July 20, 2000, relating to Crosby Yacht Yard
- (5) Centerville/Osterville/Marstons Mills Fire District Fire Prevention Inspection Report, Dated July 21, 1999, relating to Crosby Yacht Yard

- (6) Centerville/Osterville/Marstons Mills Fire District Fire Prevention Inspection Report, Dated July 9, 1998 relating to Crosby Yacht Yard
- (7) Document entitled “Tier Two Emergency and Hazardous Chemical Inventory”, Dated January 28, 2003 relating to Crosby Yacht Yard
- (8) Centerville/Osterville/Marstons Mills Fire District Memorandum from Lieutenant Rogers to Chief Farrington, Dated March 24, 2004 relating to Crosby Yacht Yard fire.
- (9) Letter from Richard B. Egan, President of Crosby Yacht Yard, Dated July 8, 2004 to the town of Barnstable, building commissioner regarding former use of Crosby Yacht Yard storage facilities
- (10) Site plan drawings, prepared for Crosby Yacht Yard Inc., by Sullivan Engineering, Inc. dated June 9, 2004
- (11) Inspection Report of John Furrh Associates, Inc., Dated December 3, 2003 relating to an inspection of the Crosby Yacht Yard (marked as exhibit 6 during the Furrh deposition)
- (12) Document produced at deposition of John W. Furrh Associates Inc., marked as Exhibit 11 at that deposition, hand written document entitled “Alum. Bldg”
- (13) Letter from John W. Furrh Associates, Inc. to Gregory Egan, Dated October 17, 2003 and marked as Exhibit 16 at deposition of John W. Furrh
- (14) Report of Inspection by John W. Furrh Associates, Inc., Dated November 28, 2001 relating to Crosby Yacht Yard and marked as Exhibit 36 at the deposition of John W. Furrh
- (15) Report of Inspection by John W. Furrh Associates, Inc., Dated May 3, 2000 relating to Crosby Yacht Yard and marked as Exhibit 37 at the deposition of John W. Furrh
- (16) Documents submitted by Crosby Yacht Yard, Inc. to the Barnstable Building Department, Dated September 1, 1994
- (17) Photographs of the Crosby Yacht Yard and Oyster Harbors Marine facility both pre and post fire (photographs were produced in Automatic Disclosure and in discovery responses)
- (18) Videotape of the fire in progress
- (19) Site plan drawings produced by the Centerville/Osterville/Marstons Mills Fire

District in response to keeper of the record deposition subpoena and provided to all counsel

- (20) Massachusetts State Fire Marshals' Fire Investigation Summary Report, Case No, 2003-117-1709
- (21) COMM (Centerville-Osterville-Marston Mills) Fire District Inspection Report of Crosby Yacht Yard, 7/9/98, 7/21/99, 7/20/00, 7/12/02, 7/22/03
- (22) Barnstable Sheriff Dept. Fire Log
- (23) COMM Fire District Fire Reports, MFIRS Reports, Press Releases, Damage Documents, Post Incident Analysis
- (24) Burned/Recovered Motor Vehicle Reports
- (25) Transcribed Statement of Francis P. Guido, 12/19/03, and drawing
- (26) Large size, black and white photocopies, two sheets of the fire department containment plan and annotations of damage and water stream applications
- (27) Employee Policy Guide from Crosby Yacht Yard, 10/1/89
- (28) Employee Time Records from Crosby Yacht Yard
- (29) Uniform Hazardous Waste Manifests from Safety Kleen
- (30) Marine Safety Consultants Letter to Atty. Seth Holbrook, 12/19/03
- (31) Audio-Visual Presentation and Power Point Presentations prepared by the COMM Fire/Rescue
- (32) Video of Fire produced by John Corey III
- (33) Still photos taken by Britt Crosby
- (34) Chart and/or other demonstrative exhibits showing location of all burned or damaged vessels on the Crosby Yacht Yard and Oyster Harbors Marine properties
- (35) 93A demand letters served on Crosby Yacht Yard
- (36) Demonstrative exhibits regarding damages
- (37) Demonstrative exhibits to be used by liability experts
- (38) An accounting of damages sustained by OneBeacon Insurance Company

- (39) Copy of Hanover's policy for Oyster Harbors (OY000001-000189);
- (40) Proof of Loss Statements of Hanover Ins. Co. and Glen Falls Ins. Co.;
- (41) Damage invoices submitted to Glen Falls Ins. Co. and Hanover Ins. Co.;
- (42) Statements of Loss of Glen Falls Ins. Co. and Hanover ins. Co.
- (43) Photographs of Rick Haggis and Richard Berger;
- (44) Photographs of Vinny Calenda, CFEI
- (45) Proof of loss statements of Standard Fire Insurance Company
- (46) Storage Agreements for boats located at both Defendants' premises

The following is a list of exhibits that the plaintiff may present if the need arises:

- (47) All documents marked as exhibits at the deposition of Gregory Egan
- (48) All documents marked as exhibits at the deposition of Chief John Farrington
- (49) All documents marked as exhibits at the deposition of John W. Furrh
- (50) All documents marked as exhibits at the deposition of Stephen Wood
- (51) All documents marked as exhibits at the deposition of Francis Guido
- (52) All documents marked as exhibits at the deposition of COMM Fire Inspector McNeely
- (53) Defendants' Responses to Interrogatories with attachments, if any
- (54) Defendants' Responses to Requests for Admissions with attachments, if any

Respectfully submitted,

For the plaintiff,
STANDARD FIRE INSURANCE COMPANY
PAUL KANE
By their attorneys,

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